

Remarks

The specification has been amended at pages 70, 73, and 87-89 by inserting complete chemical structures for the compounds of those examples. No new matter is added by these amendments as they are clearly supported by the name of the compound in each instance and the synthetic procedures described on those pages.

Claims 189-210 have been cancelled without prejudice to the filing of continuing applications.

Claim 1 has been amended. Specifically, this claim has been amended to include "sulfur" within the definitions of X_1 , X_2 , and Y. Support for this amendment is found in the application as originally filed. In addition, this amendment is supported by the inclusion of sulfur within the list of hetero atoms said to be contained within the 5-7 membered heteroaryl or heterocycloalkyl group carrying the W group.

Claims 1-3, 7-72, 165-172, 178-179, and 183-188 stand rejected as being indefinite under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner has questioned how the group containing the variables X_1 , X_2 , and Y forms a 5-7 membered heteroaryl or heterocycloalkyl rings. Applicants have amended the claim to include sulfur within the definitions of X_1 , X_2 , and Y. Even without this amendment, the claim was clear. That ring structure generically represents the heteroaryl and heterocycloalkyl groups required by the claim. Applicant has simply indicated that certain positions of the ring are defined

with respect to the potential atoms at those positions. The portion of the ring defined by N-Y-X₁-X₂ only defines four ring members. Elsewhere, i.e. within the portion of the ring defined by the curved line between the N and the point of attachment to Q, the ring can contain any atoms and unsaturation patterns possible that still yield a heteroaryl or heterocycloalkyl group. The remaining ring members are provided by the "curved portion" of the ring. See also in this regard definitions of heteroaryl and heterocycloalkyl on pages 45 and 46 of the specification, respectively. Consequently, claim 1 clearly meets the requirements of § 112 of 35 U.S.C.

The Examiner has also questioned the X₃ and X₄ variables in claim 3, stating that the phrase "X₃ and X₄ are independently selected from..." is unclear. Applicants disagree. The X₃ and X₄ variables do not relate to the Y variable in claim 1 but instead simply fix the atoms possible within the ring between the nitrogen and the point of attachment to Q. In claim 3, Y can be viewed as a bond as permitted by claim 1.

The claims meet the requirements of 35 U.S.C. § 112, second paragraph. Applicants respectfully request the Examiner to reconsider and withdraw the rejections made under § 112.

Allowance of the claims and passage of the case to issue are respectfully solicited. Should the Examiner believe a discussion

of this matter would be helpful, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Sarussi', is written over a horizontal line.

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